IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 1699 of 2005

Between:

P. Premavathi, W/o Uttamreddy,

Kammalavandlapalli Village, Gorantla Mandal, Anantapur District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Gorantla Mandal, Anantapur District.
2 The Revenue Divisional Officer, Penukonda, Anantapur.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more in the nature of Mandamus, declaring the action of the 1st respondent in not allotting the stock of essential commodities for public distribution as a FP Shop Dealer for Kammalavandlapalli during the subsistence of the authorization / licence is illegal, arbitrary and unconstitutional and consequently direct the respondent No.1 to permit the petitioner to run the FP shop of Kammalavandlapalli by duly allotting the stock to the petitioner to function as a FP Shop Dealer.

Counsel for the Petitioner:MR.R.N.HEMENDRANATH REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The petitioner was appointed as a Fair Price Dealer for Kammalavandlapalli village of Gorantla Mandal, Anantapur District, in the year 1997. Her allegation is that though she deposited the requisite amount for supply of essential commodities for the month of December, 2004 through a demand draft, she is not supplied the commodities. It is alleged that the essential commodities for distribution in the said shop were delivered to another individual, who is not appointed as a dealer.

Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

As long as the appointment and authorization of a dealer is in force, the respondents are under obligation to supply the essential commodities. If any irregularities are noticed on the part of the petitioner, necessary steps are required to be taken in accordance with the A.P. State Public Distribution System Control Order, 2001. There does not exist any justification for the respondents in not supplying the commodities even while the authorization is in force. Further, the question of permitting a person, who is not a dealer, to distribute the essential commodities is not only arbitrary but amounts to fragment violation of relevant provisions of law.

For the foregoing reasons, the writ petition is disposed of directing that the respondents shall supply the essential commodities to the petitioner as long as the authorization in her favour is in force. No costs.

(L.NARASIMHA REDDY, J)

4th FEBRUARY, 2005.

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To

1 The Mandal Revenue Officer, Gorantla Mandal, Anantapur District.
2 The Revenue Divisional Officer, Penukonda, Anantapur.

3 Two CCs to the Government Pleader for Civil Supplies, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.